

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

DANIEL WERLEIN,)
v. Plaintiff,) No. 3:04-0911
BRINK'S HOME SECURITY, INC.,) JUDGE ECHOLS
Defendant.)

ORDER

For the reasons explained in the Memorandum entered contemporaneously herewith, the Court rules as follows:

(1) Defendant's Motion and Supporting Memorandum to Strike Declaration of Jennifer Curley (Docket Entry No. 29) is hereby DENIED.

(2) Defendant's Motion for Summary Judgment (Docket Entry No. 10) is hereby GRANTED IN PART and DENIED IN PART. The Motion is GRANTED as to Plaintiff's claims for negligent retention (Count One) and intentional infliction of emotional distress (Count Three) and those claims are hereby DISMISSED WITH PREJUDICE. The Motion for Summary Judgment is DENIED as to Plaintiff's claims for retaliatory discharge under the Tennessee common law and the Tennessee Public Protection Act, Tenn. Code Ann. § 50-1-304.

(3) This case will proceed to Final Pretrial Conference on December 23, 2005 at 1:00 p.m. and to trial on January 31, 2006, at 9:00 a.m., as previously scheduled.

It is so ORDERED.

Robert O. Elmer

ROBERT L. ECHOLS
UNITED STATES DISTRICT JUDGE